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DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No.2591-16; DHS Docket No. USCIS-2011-0014]

RIN 1615-ZB60

**Filing Procedures for Employment Authorization and Automatic Extension of Existing
Employment Authorization Documents for Liberians Eligible for
Deferred Enforced Departure**

AGENCY: U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).

ACTION: Notice.

SUMMARY: On September 28, 2016, President Obama issued a memorandum to the Secretary of Homeland Security (Secretary), Jeh Charles Johnson, directing him to extend for an additional 18 months the deferred enforced departure (DED) of certain Liberians and to provide for work authorization during that period. The DED extension runs from October 1, 2016 through March 31, 2018. This Notice provides instructions for eligible Liberians on how to apply for the full 18-month extension of employment authorization. Finally, this Notice provides instructions for DED-eligible Liberians on how to apply for permission to travel outside the United States during the 18-month DED period.

USCIS will issue new employment authorization documents (EADs) with a March 31, 2018 expiration date to Liberians whose DED has been extended under the Presidential Memorandum of September 28, 2016, and who apply for EADs under this extension. Given the timeframes involved with processing EAD applications, DHS recognizes that not all DED-

eligible Liberians will receive new EADs before their current EADs expire on September 30, 2016. Accordingly, through this Notice, DHS also automatically extends the validity of DED-related EADs for 6 months, through March 31, 2017, and explains how Liberians covered under DED and their employers may determine which EADs are automatically extended and their impact on Employment Eligibility Verification (Form I-9) and E-Verify processes.

DATES: The 18-month extension of DED is valid through March 31, 2018. The 6-month automatic extension of employment authorization for Liberians who are covered under DED, including the extension of their EADs as specified in this Notice, is effective on October 1, 2016, and expires on March 31, 2017.

FOR FURTHER INFORMATION CONTACT:

- You can contact Guillermo Roman-Riefkohl, TPS Program Manager at the Waivers and Temporary Services Branch, Service Center Operations Directorate, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue, N.W., Washington, DC, 20529-2060; or by phone at 202-272-1533 (this is not a toll-free number).

Note: The phone number provided here is solely for questions regarding this Notice. It is not for individual case status inquiries.

- For further information on DED, including guidance on the application process and additional information on eligibility, please visit the USCIS DED Web page at <http://www.uscis.gov/humanitarian/temporary-protected-status/deferred-enforced-departure>. You can find specific information about DED for Liberians by selecting “DED Granted Country: Liberia” from the menu on the left of the DED Web page.
- Applicants seeking information about the status of their individual cases can check Case

Status Online, available at the USCIS website at <http://www.USCIS.gov>, or call the USCIS National Customer Service Center at 1-800-375-5283 (TTY 1-800-767-1833). Service is available in English and Spanish.

- Further information will also be available at local USCIS offices upon publication of this Notice.

SUPPLEMENTARY INFORMATION:

Table of Abbreviations

DED – Deferred Enforced Departure

DHS – Department of Homeland Security

EAD – Employment Authorization Document

FNC – Final Nonconfirmation

OSC – Department of Justice, Office of Special Counsel for Immigration-Related Unfair Employment Practices

SAVE – USCIS Systematic Alien Verification for Entitlements Program

Secretary – Secretary of Homeland Security

TNC – Tentative Nonconfirmation

TPS – Temporary Protected Status

TTY – Text Telephone

USCIS – U.S. Citizenship and Immigration Services

Presidential Memorandum Extending DED for Certain Liberians

Pursuant to his constitutional authority to conduct the foreign relations of the United States, President Obama has determined that there are compelling foreign policy reasons to again extend Deferred Enforced Departure (“DED”) to Liberian nationals who are currently residing in

the United States under the existing grant of DED. The President accordingly directed that Liberian nationals (and eligible persons without nationality who last resided in Liberia) who are physically present in the United States, have continuously resided in the United States since October 1, 2002, and who remain eligible for DED through September 30, 2016, be provided DED for an additional 18-month period. See Presidential Memorandum – – Deferred Enforced Departure for Liberians, September 28, 2016 (“Presidential Memorandum”) at <https://www.whitehouse.gov/the-press-office/2016/09/28/presidential-memorandum-deferred-enforced-departure-liberians>. Note that only individuals who held Temporary Protected Status (TPS) on September 30, 2007, the date that a former TPS designation of Liberia terminated, are eligible for DED, provided they have continued to meet all other eligibility criteria established by the President. The President also directed the Secretary to implement the necessary steps to authorize employment authorization for eligible Liberians for 18 months, from October 1, 2016 through March 31, 2018.

Employment Authorization and Filing Requirements

How will I know if I am eligible for employment authorization under the Presidential Memorandum that extended DED for certain Liberians for 18 months?

The DED extension and the procedures for employment authorization in this Notice apply only to Liberian nationals (and persons without nationality who last habitually resided in Liberia) who:

- Are physically present in the United States;
- Have continuously resided in the United States since October 1, 2002; and
- Are under a grant of DED as of September 30, 2016.

The above eligibility criteria are described in the Presidential Memorandum. Only individuals who held TPS on September 30, 2007, the date that a former TPS designation of Liberia terminated, are eligible for DED under this extension, provided they have continued to meet all other eligibility criteria established by the President. This DED extension does not include any individual:

- Who would be ineligible for TPS for the reasons provided in section 244(c)(2)(B) of the Immigration and Nationality Act, 8 U.S.C. 1254a(c)(2)(B);
- Whose removal the Secretary determines is in the interest of the United States;
- Whose presence or activities in the United States the Secretary of State has reasonable grounds to believe would have potentially serious adverse foreign policy consequences for the United States;
- Who has voluntarily returned to Liberia or his or her country of last habitual residence outside the United States;
- Who was deported, excluded, or removed prior to September 26, 2014; or
- Who is subject to extradition.

What will I need to file if I am covered by DED and would like to have evidence of employment authorization?

If you are covered under DED for Liberia, and would like evidence of your employment authorization during the 18-month extension of DED, you must apply for an EAD by filing an Application for Employment Authorization (Form I-765). USCIS will begin accepting these applications on [INSERT date of publication in the FEDERAL REGISTER]. Although this Notice automatically extends DED-related EADs that have a printed validity date of September 30, 2016, for an additional 6 months through March 31, 2017, if you would like evidence of your

continued employment authorization through March 31, 2018, you must file an Application for Employment Authorization (Form I-765) as soon as possible to avoid gaps in work authorization. Please carefully follow the Application for Employment Authorization (Form I-765) instructions when completing the application for an EAD. When filing the Application for Employment Authorization (Form I-765), you must:

- Indicate that you are eligible for DED by putting “(a)(11)” in response to Question 16 on Application for Employment Authorization (Form I-765);
- Include a copy of your last Notice of Action (Form I-797) showing that you were approved for TPS as of September 30, 2007, if such copy is available. Please note that evidence of TPS as of September 30, 2007, is necessary to show that you were covered under the previous DED for Liberia through September 30, 2016; and
- Submit the fee for the Application for Employment Authorization (Form I-765).

The regulations require individuals covered under DED who request an EAD to pay the fee prescribed in 8 CFR 103.7 for the Application for Employment Authorization (Form I-765). See also 8 CFR 274a.12(a)(11) (employment authorization for DED-covered aliens); and 8 CFR 274a.13(a) (requirement to file EAD application if EAD desired). If you are unable to pay the fee, you may apply for an application fee waiver by completing a Request for Fee Waiver (Form I-912) or submitting a personal letter requesting a fee waiver, and providing satisfactory supporting documentation.

How will I know if USCIS will need to obtain biometrics?

If biometrics are required to produce the secure EAD, you will be notified by USCIS and scheduled for an appointment at a USCIS Application Support Center.

Where do I submit my completed Application for Employment Authorization (Form I-765)?

Mail your completed Application for Employment Authorization (Form I-765) and supporting documentation to the proper address in Table 1.

Table 1-Mailing Addresses

If...	Mail to...
You are applying through the U.S. Postal Service	USCIS Attn: DED Liberia P.O. Box 6943 Chicago, IL 60680-6943
You are using a non-U.S. Postal Service delivery service	USCIS Attn: DED Liberia 131 S. Dearborn 3rd Floor Chicago, IL 60603-5517

Can I file my Application for Employment Authorization (Form I-765) electronically?

No. Electronic filing is not available when filing Application for Employment Authorization (Form I-765) based on DED.

Extension of Employment Authorization and EADs

May I request an interim EAD at my local USCIS office?

No. USCIS will not issue interim EADs to individuals eligible for DED under the Presidential Memorandum at local offices.

Am I eligible to receive an automatic 6-month extension of my current EAD through March 31, 2017?

You are eligible for an automatic 6-month extension of your EAD if you are a national of Liberia (or person having no nationality who last habitually resided in Liberia), you are currently covered by DED through September 30, 2016, and you are within the class of persons approved for DED by the President.

This automatic extension covers EADs issued on the Employment Authorization Document (Form I-766) bearing an expiration date of September 30, 2016. These EADs must also bear the notation “A-11” on the face of the card under “Category.”

When hired, what documentation may I show to my employer as proof of employment authorization and identity when completing Employment Eligibility Verification (Form I-9)?

You can find a list of acceptable document choices on the “Lists of Acceptable Documents” for Employment Eligibility Verification (Form I-9). You can find additional detailed information on the USCIS I-9 Central webpage at <http://www.uscis.gov/I-9Central>. Employers are required to verify the identity and employment authorization of all new employees by using Employment Eligibility Verification (Form I-9). Within 3 days of hire, an employee must present proof of identity and employment authorization to his or her employer.

You may present any document from List A (reflecting both your identity and employment authorization), or one document from List B (reflecting identity) together with one document from List C (reflecting employment authorization). You may present an acceptable receipt for List A, List B, or List C documents as described in the Employment Eligibility Verification (Form I-9) Instructions. An EAD is an acceptable document under “List A.” Employers may not reject a document based on a future expiration date.

If your EAD has an expiration date of September 30, 2016, and states “A-11” under “Category,” it has been extended automatically for 6 months by virtue of this Federal Register Notice, and you may choose to present your EAD to your employer as proof of identity and employment authorization for Employment Eligibility Verification (Form I-9) through March 31, 2017 (see the subsection titled “How do my employer and I complete the Employment Eligibility Verification (Form I-9) using an automatically extended EAD for a new job?” for further

information). To minimize confusion over this extension at the time of hire, you may also show your employer a copy of this Federal Register Notice confirming the automatic extension of employment authorization through March 31, 2017. As an alternative to presenting your automatically extended EAD, you may choose to present any other acceptable document from List A, a combination of one selection from List B and one selection from List C, or a valid receipt.

What documentation may I show my employer if I am already employed but my current DED-related EAD is set to expire?

Even though EADs with an expiration date of September 30, 2016 that state “A-11” under “Category” have been automatically extended for 6 months by virtue of this Federal Register Notice, your employer will need to ask you about your continued employment authorization by September 30, 2016 to meet its responsibilities for Employment Eligibility Verification (Form I-9) compliance. You should explain to your employer that USCIS has automatically extended your EAD through March 31, 2017. Your employer may need to reinspect your automatically extended EAD to check the expiration date and code and to record the updated expiration date on your Employment Eligibility Verification (Form I-9) if he or she did not keep a copy of this EAD when you initially presented it. However, your employer does not need a new document to reverify your employment authorization until March 31, 2017, the expiration date of the automatic extension. Instead, you and your employer must make corrections to the employment authorization expiration dates in Section 1 and Section 2 of Employment Eligibility Verification (Form I-9) (see the subsection titled “What corrections should my current employer and I make to Employment Eligibility Verification (Form I-9) if my EAD has been automatically extended?”

for further information). In addition, you may also show this Federal Register Notice to your employer to explain what to do for Employment Eligibility Verification (Form I-9).

By March 31, 2017, the expiration date of the automatic extension, your employer must reverify your employment authorization. At that time, you must present any document from List A or any document from List C on Employment Eligibility Verification (Form I-9) to reverify employment authorization, or an acceptable List A or List C receipt described in the Employment Eligibility Verification (Form I-9) Instructions. Your employer should complete either Section 3 of the Employment Eligibility Verification (Form I-9) originally completed for the employee or, if this Section has already been completed or if the version of Employment Eligibility Verification (Form I-9) has expired (check the date in the upper right-hand corner of the form), complete Section 3 of a new Employment Eligibility Verification (Form I-9) of the most current version. Note that employers may not specify which List A or List C document employees must present, and cannot reject an acceptable receipt.

Can my employer require that I produce any other documentation to prove my status, such as proof of my Liberian citizenship?

No. When completing Employment Eligibility Verification (Form I-9), including re-verifying employment authorization, employers must accept any documentation that appears on the “Lists of Acceptable Documents” for Employment Eligibility Verification (Form I-9) that reasonably appears to be genuine and that relates to you, or an acceptable List A, List B, or List C receipt. Employers may not request documentation that does not appear on the Lists of Acceptable Documents for Employment Eligibility Verification (Form I-9). Therefore, employers may not request proof of Liberian citizenship when completing Employment Eligibility Verification (Form I-9) for new hires, making corrections, or reverifying the

employment authorization of current employees. If presented with EADs that have been automatically extended, employers should accept such EADs as valid List A documents so long as the EADs reasonably appear to be genuine and to relate to the employee. Refer to the Note to Employees section of this Notice for important information about your rights if your employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you based on your citizenship or immigration status, or your national origin.

What happens after March 31, 2017, for purposes of employment authorization?

After March 31, 2017, employers may no longer accept the EADs that were issued under the previous DED extension of Liberia that this Federal Register Notice automatically extended. Before that time, however, USCIS will endeavor to issue new EADs to eligible individuals covered by DED who request them. These new EADs will have an expiration date of March 31, 2018, and can be presented to your employer for completion of Employment Eligibility Verification (Form I-9). Alternatively, you may choose to present any other legally acceptable document or combination of documents listed on the Lists of Acceptable Documents for Employment Eligibility Verification (Form I-9).

How do my employer and I complete Employment Eligibility Verification (Form I-9) using an automatically extended EAD for a new job?

When using an automatically extended EAD to fill out Employment Eligibility Verification (Form I-9) for a new job prior to March 31, 2017, you and your employer should do the following:

1. For Section 1, you should:
 - a. Check “An alien authorized to work”;
 - b. Write your alien number (USCIS number or A-number) in the first space (your EAD or other

document from DHS will have your USCIS number or A-number printed on it; the USCIS Number is the same as your A-number without the A prefix); and

- c. Write the automatically extended EAD expiration date (March 31, 2017) in the second space.
2. For Section 2, employers should record the:
 - a. Document title;
 - b. Document number; and
 - c. Automatically extended EAD expiration date (March 31, 2017).

By March 31, 2017, employers must reverify the employee's employment authorization in Section 3 of Employment Eligibility Verification (Form I-9).

What corrections should my current employer and I make to Employment Eligibility Verification (Form I-9) if my EAD has been automatically extended?

If you are an existing employee who presented a DED-related EAD that was valid when you first started your job, but that EAD has now been automatically extended, your employer may need to reinspect your automatically extended EAD if your employer does not have a copy of the EAD on file, and you and your employer should correct your previously completed Employment Eligibility Verification (Form I-9) as follows:

1. For Section 1, you should:
 - a. Draw a line through the expiration date in the second space;
 - b. Write "March 31, 2017" above the previous date;
 - c. Write "DED Ext." in the margin of Section 1; and
 - d. Initial and date the correction in the margin of Section 1.
2. For Section 2, employers should:
 - a. Draw a line through the expiration date written in Section 2;

- b. Write “March 31, 2017” above the previous date;
- c. Write “DED Ext.” in the margin of Section 2; and
- d. Initial and date the correction in the margin of Section 2.

By March 31, 2017, when the automatic extension of EADs expires, employers must reverify the employee’s employment authorization in Section 3.

If I am an employer enrolled in E-Verify, what do I do when I receive a “Work Authorization Documents Expiring” alert for an automatically extended EAD?

E-Verify has automated the verification process for employees whose DED was automatically extended in a Federal Register notice. If you have an employee covered under DED who provided a DED-related EAD when he or she first started working for you, you may receive a “Work Authorization Documents Expiring” case alert when the auto-extension period for this EAD is about to expire. By March 31, 2017, you must reverify employment authorization in Section 3 of the Employment Eligibility Verification (Form I-9). Employers should not use E-Verify for reverification.

Note to All Employers

Employers are reminded that the laws requiring proper employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This Notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those rules setting forth reverification requirements. For general questions about the employment eligibility verification process, employers may call USCIS at 888-464-4218 (TTY 877-875-6028) or email USCIS at I-9Central@dhs.gov. Calls and emails are accepted in English and many other languages. For questions about avoiding discrimination during the employment eligibility verification process (I-9 and E-Verify),

employers may also call the U.S. Department of Justice, Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) Employer Hotline, at 800-255-8155 (TTY 800-237-2515), which offers language interpretation in numerous languages, or email OSC at oscrt@usdoj.gov.

Note to Employees

For general questions about the employment eligibility verification process, employees may call USCIS at 888-897-7781 (TTY 877-875-6028) or email at I-9Central@dhs.gov. Calls are accepted in English, Spanish and many other languages. Employees or applicants may also call the OSC Worker Information Hotline at 800-255-7688 (TTY 800-237-2515) for information regarding employment discrimination based upon citizenship, immigration status, or national origin, including discrimination related to Employment Eligibility Verification (Form I-9) and E-Verify. The OSC Worker Information Hotline provides language interpretation in numerous languages.

To comply with the law, employers must accept any document or combination of documents from the List of Acceptable Documents if the documentation reasonably appears to be genuine and to relate to the employee, or an acceptable List A, List B, or List C receipt described in the Employment Eligibility Verification (Form I-9) Instructions. Employers may not require extra or additional documentation beyond what is required for Employment Eligibility Verification (Form I-9) completion. Further, employers participating in E-Verify who receive an E-Verify case result of “Tentative Nonconfirmation” (TNC) must promptly inform employees of the TNC and give such employees an opportunity to contest the TNC. A TNC case result means that the information entered into E-Verify from Employment Eligibility Verification (Form I-9) differs from Federal or State government records.

Employers may not terminate, suspend, delay training, withhold pay, lower pay, or take any adverse action against an employee based on the employee's decision to contest a TNC or because the case is still pending with E-Verify. A Final Nonconfirmation (FNC) case result is received when E-Verify cannot verify an employee's employment eligibility. An employer may terminate employment based on a case result of FNC. Work-authorized employees who receive an FNC may call USCIS for assistance at 888-897-7781 (TTY for the hearing impaired is at 877-875-6028). To report an employer for discrimination in the E-Verify process based on citizenship or immigration status, or based on national origin, contact OSC's Worker Information Hotline at 800-255-7688 (TTY 800-237-2515). Additional information about proper nondiscriminatory Employment Eligibility Verification (Form I-9) and E-Verify procedures is available on the OSC website at <http://www.justice.gov/crt/about/osc/> and the USCIS website at <http://www.dhs.gov/E-verify>.

Note Regarding Federal, State, and Local Government Agencies (Such as Departments of Motor Vehicles)

While Federal Government agencies must follow the guidelines laid out by the Federal Government, state and local government agencies establish their own rules and guidelines when granting certain benefits. Each State may have different laws, requirements, and determinations about what documents you need to provide to prove eligibility for certain benefits. Whether you are applying for a Federal, State, or local government benefit, you may need to provide the government agency with documents that show you are covered by DED and/or show you are authorized to work based on DED. Examples are:

- (1) Your unexpired EAD that has been automatically extended, or your EAD that has not expired;

- (2) A copy of this Federal Register Notice if your EAD is automatically extended under this Notice;
- (3) A copy of your past Application for Temporary Protected Status Notice of Action (Form I-797), if you received one from USCIS, coupled with a copy of the Presidential Memorandum extending DED for Liberians; and/or
- (4) If there is an automatic extension of work authorization, a copy of the fact sheet from the USCIS DED website that provides information on the automatic extension.

Check with the government agency regarding which document(s) the agency will accept. You may also provide the agency with a copy of this Federal Register Notice.

Some benefit-granting agencies use the USCIS Systematic Alien Verification for Entitlements Program (SAVE) to verify the current immigration status of applicants for public benefits. You can check the status of your SAVE verification by using CaseCheck at the following link: <https://save.uscis.gov/casecheck/>, then by clicking the “Check Your Case” button. CaseCheck is a free and fast service that lets you follow the progress of your SAVE verification using your date of birth and one immigration identifier number. If such an agency has denied your application based solely or in part on a SAVE response, the agency must offer you the opportunity to appeal the decision in accordance with the agency’s procedures. If the agency has received and acted upon or will act upon a SAVE verification and you do not believe the response is correct, you may make an InfoPass appointment for an in-person interview at a local USCIS office. Detailed information on how to make corrections or make an appointment can be found at the SAVE website at <http://www.uscis.gov/save>, then by choosing “For Benefit Applicants” from the menu on the left and then selecting “Questions about Your Records?”

Travel Authorization and Advance Parole

Individuals covered under DED who would like to travel outside of the United States must apply for and receive advance parole by filing an Application for Travel Document (Form I-131) with required fee before departing from the United States. See 8 CFR 223.2(a). DHS has the discretion to determine whether to grant advance parole and cannot guarantee advance parole in all cases. In addition, possession of an advance parole document does not guarantee that you will be permitted to re-enter the United States, as that is a decision that will be made by an immigration officer at the port of entry upon your return. If you seek advance parole to travel to Liberia or to your country of last habitual residence outside the United States, you will risk being found ineligible to re-enter the United States under DED because the Presidential Memorandum excludes persons “who have voluntarily returned to Liberia or his or her country of last habitual residence outside the United States.”

You may submit your completed Application for Travel Document (Form I-131) with your Application for Employment Authorization (Form I-765). If you are filing the Application for Travel Document (Form I-131) concurrently with your Application for Employment Authorization (Form I-765), please submit both applications and supporting documentation to the proper address in Table 1.

If you choose to file an Application for Travel Document (Form I-131) separately, please submit the application along with supporting documentation that you qualify for DED to the proper address in Table 2.

Table 2-Mailing Addresses

If...	Mail to...
You are applying through the U.S. Postal Service	USCIS Attn: DED Liberia P.O. Box 6943 Chicago, IL 60680-6943
You are using a non-U.S. Postal Service delivery service	USCIS Attn: DED Liberia

	131 S. Dearborn, 3rd Floor Chicago, IL 60603-5517
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If you have a pending or approved Application for Employment Authorization (Form I-765), please submit the Notice of Action (Form I-797) along with your Application for Travel Document (Form I-131) and supporting documentation.

León Rodríguez,

Director,

U.S. Citizenship and Immigration Services.

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